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09/429,585	10/28/1999	THOMAS J. SHAFRON	694231/002	6107

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EXAMINER	
DETWILER, BRIAN J	
ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 05/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/429,585

Applicant(s)

SHAFRON, THOMAS J. *WJ*

Examiner

Brian J Detwiler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 53-68 and 77-86 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 53-68 and 77-86 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 53, 56, 77-79, 82, and 84 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent No. 5,848,424 (Scheinkman et al).

Referring to claim 53, Scheinkman discloses in FIG 2 an Internet browser interface displayable by an Internet browser [40] on a display of a computer and enabling a user to browse web pages [54] on the Internet. The disclosed interface has at least one Internet browser toolbar (Back, Forward, Home, etc...) with at least one toolbar button providing a predetermined functionality to the user. Scheinkman further discloses in column 4, lines 28-45 providing at a predetermined Internet site, access to a program for controlling the Internet browser's interface. Scheinkman still further discloses in the same section a file that can be downloaded from the Internet site, which displays a user toolbar [50] as part of the browser interface.

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Referring to claim 56, Scheinkman discloses in column 4, lines 43-45 that the file comprises a Plug-in.

Referring to claim 77, Scheinkman discloses in column 4, lines 28-45 a Web server, which includes a program for controlling an Internet browser interface. Scheinkman further explains in this section downloading a file from a Web site (the server) to control said Internet browser interface.

Referring to claim 78, Scheinkman discloses in FIG 2 that the file causes a user toolbar [50] to be displayed on the display of the computer as part of the Internet browser interface.

Referring to claim 79, Scheinkman discloses in FIG 2 that the file causes an interface object (button labeled "Club") to be displayed as part of the user toolbar.

Referring to claim 82, Scheinkman discloses in FIG 2 that the interface object (labeled "Club") is a toolbar button.

Referring to claim 84, Scheinkman discloses a server and a downloadable file as mentioned above in reference to claims 77-79. In FIG 2, Scheinkman further demonstrates that the file enables a user to perform functions via the Internet browser not available to the user prior to said file being downloaded.

Claims 61-63 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent No. 5,914,714 (Brown).

Referring to claim 61, Brown discloses in FIG 2a an Internet browser interface displayable by an Internet browser on a display of a computer and enabling a user to browse web pages on the Internet. The disclosed interface has at least one Internet browser toolbar [220]

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having predetermined functionality available to the user and a user toolbar [230] that is displayed as part of the Internet browser interface. Both toolbars are available to the user regardless of the Internet site to which the computer is connected.

Referring to claims 62 and 63, Brown demonstrates in FIGs 2a-e customizing an interface object on the user toolbar. The figures show that the interface object (labeled "Food") is a toolbar button.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 54, 57, and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,848,424 (Scheinkman et al) as applied to claims 53 and 77-79 above, and further in view of U.S. Patent No. 5,914,714 (Brown).

Referring to claims 54 and 57, Scheinkman discloses in FIG 2 a toolbar [50] including an interface object wherein the interface object is a toolbar button (labeled "Club"). Scheinkman does not disclose that the toolbar is customizable by the user. Brown, however, discloses in FIG 2a a user customizable toolbar [230] with a toolbar button interface object as part of an Internet browser interface. Brown demonstrates customizing the toolbar in FIGs 2a-2e. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make Scheinkman's toolbar customizable. It would have been advantageous to do this because it

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allows users to tailor the toolbar to their specific needs and/or preferences, thus providing a more user-friendly working environment.

Referring to claim 81, Scheinkman discloses in FIG 2 a toolbar [50] including an interface object. Scheinkman further discloses in column 4, lines 43-45 that the toolbar is defined by a plug-in. Scheinkman does not disclose that the toolbar is customizable by the user. Brown, however, discloses in FIG 2a a user customizable toolbar [230] with a toolbar button interface object as part of an Internet browser interface. Brown demonstrates customizing the toolbar in FIGs 2a-2e. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make Scheinkman's toolbar customizable. It would have been advantageous to do this because it allows users to tailor the toolbar to their specific needs and/or preferences, thus providing a more user-friendly working environment.

Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,848,424 (Scheinkman et al) and U.S. Patent No. 5,914,714 (Brown) as applied to claim 54 above, and further in view of U.S. Patent No. 6,009,459 (Belfiore et al).

Neither Scheinkman nor Brown discloses a search window as a part of a toolbar. Belfiore, however, discloses in FIG 11A a search window [84] that enables the user to initiate a search at the predetermined Internet site regardless of the Internet site to which the computer is connected via the browser at the time the search is initiated. In this instance, the search window doubles as the Address window. The predetermined Internet site for searching is shown in FIG 11B. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Belfiore's search window with the toolbars disclosed by Scheinkman

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and Brown. It would have been advantageous to do this because it would allow an Internet browser user to customize a user toolbar even further by providing search capabilities.

Furthermore, the additional functionality makes the toolbar more attractive to a variety of users.

Claims 59 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,848,424 (Scheinkman et al) as applied to claim 53 above, and further in view of U.S. Patent No. 6,020,884 (MacNaughton et al).

Referring to claims 59 and 60, Scheinkman fails to disclose storing user-specific information for defining the contents of a toolbar. MacNaughton, however, discloses in column 10, lines 41-48 a toolbar, operating as an extension to a Web browser, which interacts with a "Community Server". According to column 9, lines 11-20, profile information is stored in each "Community" to which a user is a member of. MacNaughton further discloses in column 10, lines 27-32 that certain membership capabilities are available to a user such as modifying his/her personal profile. In column 10, lines 55-66 MacNaughton discloses that a "Toolbar and Capabilities Manager" is responsible for displaying toolbar controls for various capabilities. Accordingly, since users only have access to certain capabilities based on membership data stored on a "Community Server", the toolbar contents are defined by user-specific information. Additionally, as users navigate to different communities to which they are members of, they will download additional information for defining their toolbars. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to define the contents of Scheinkman's toolbar with user-specific information. It would have been advantageous to do this because it allows Web sites to offer services or capabilities specific to

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the individual or type of user visiting the site. This seamless integration of customized content produces a more user-friendly environment.

Claims 85 and 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,848,424 (Scheinkman et al) as applied to claim 53 above, and further in view of U.S. Patent No. 6,119,098 (Guyot et al).

Referring to claim 85, Scheinkman does not disclose opening a file upon activation of the Internet browser or receiving information from a predetermined Internet site for defining all or part of an interface object. Guyot, however, discloses, in column 2, lines 29-33 receiving information from a predetermined Internet site for defining an interface object. Guyot further discloses in column 4, lines 34-38 that the information is stored in memory on the user's computer, which could be a file. Additionally, it is notoriously well known in the state of the art that configuration, preference, or initialization files can be opened upon activation of an Internet browser and instruct the browser to load a predetermined home page. The examiner takes OFFICIAL NOTICE of this teaching. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have an initialization file that opens on browser activation, instructs the browser to load a predetermined home page, and receive information from the Web site for defining an interface object. It would have been advantageous to do this because it automates the process of typing in the URL of a Web site, downloading relevant information, and then customizing the information to the user's liking.

Referring to claim 86, Scheinkman fails to disclose that the file periodically causes the Internet browser to connect to a predetermined Web site and receive additional information for

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defining an interface object. Guyot, however, discloses in column 1, lines 66-67 and column 2, line 1 an application that periodically accesses a predetermined Internet site to download advertisements for defining the content of an interface object. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include instructions in the file for causing the browser to periodically access a Web site and to receive additional information for defining the content of an interface object. It would have been advantageous to do this because it could ensure that a user has the most up-to-date and compatible version of the interface object software without requiring any specific action from the user.

Claim 64 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,914,714 (Brown) as applied to claim 62 above, and further in view of U.S. Patent No. 6,009,459 (Belfiore et al).

Brown does not disclose a search window as part of a toolbar. Belfiore, however, discloses in FIG 11A a search window [84] that enables the user to initiate a search at the predetermined Internet site regardless of the Internet site to which the computer is connected via the browser at the time the search is initiated. In this instance, the search window doubles as the Address window. The predetermined Internet site for searching is shown in FIG 11B. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Belfiore's search window with the toolbar disclosed by Brown. It would have been advantageous to do this because it would allow an Internet browser user to customize a user

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toolbar even further by providing search capabilities. Furthermore, the additional functionality makes the toolbar more attractive to a variety of users.

Claims 65 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,914,714 (Brown) as applied to claim 62 above, and further in view of U.S. Patent No. 6,292,185 (Ko et al).

Brown fails to disclose using an ActiveX control or a Plug-in for enabling customization of an interface object. Ko, however, teaches in column 7, lines 23-29 and 43-46 using Plug-ins and ActiveX controls to customize the interfaces of a Web browsers and pages. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an ActiveX control or a Plug-in to enable customization of an interface object in a Web browser. It would have been advantageous to do this because ActiveX controls and Plug-ins provide a familiar and simple implementation of customized information.

Claim 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,914,714 (Brown) as applied to claim 62 above, and further in view of U.S. Patent No. 6,020,884 (MacNaughton et al).

Brown fails to disclose storing user-specific information for defining the contents of a toolbar. MacNaughton, however, discloses in column 10, lines 41-48 a toolbar, operating as an extension to a Web browser, which interacts with a "Community Server". According to column 9, lines 11-20, profile information is stored in each "Community" to which a user is a member of. MacNaughton further discloses in column 10, lines 27-32 that certain membership

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capabilities are available to a user such as modifying his/her personal profile. In column 10, lines 55-66 MacNaughton discloses that a "Toolbar and Capabilities Manager" is responsible for displaying toolbar controls for various capabilities. Accordingly, since users only have access to certain capabilities based on membership data stored on a "Community Server", the toolbar contents are defined by user-specific information. Additionally, as users navigate to different communities to which they are members of, they will download additional information for defining their toolbars. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to define the contents of Brown's toolbar with user-specific information. It would have been advantageous to do this because it allows Web sites to offer services or capabilities specific to the individual or type of user visiting the site. This seamless integration of customized content produces a more user-friendly environment.

Claim 68 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,914,714 (Brown) and U.S. Patent No. 6,020,884 (MacNaughton et al) as applied to claim 67 above, and further in view of U.S. Patent No. 6,119,098 (Guyot et al).

Brown and MacNaughton disclose all the limitations of the claim as mentioned above except for periodically reconnecting to a predetermined Internet site. Guyot, however, discloses in column 1, lines 66-67 and column 2, line 1 an application that periodically accesses a predetermined Internet site to download advertisements for display. In column 5, lines 19-23 Guyot discloses that the application also checks for new versions of the application software. . Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a feature within the interfaces disclosed by Brown and MacNaughton

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where there is a periodic reconnection to an Internet site. It would have been advantageous to do this because it could ensure that a user has the most up-to-date and compatible version of the interface software without requiring any specific action from the user.

Claims 55 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,848,424 (Scheinkman et al) as applied to claims 53 and 79 above, and further in view of U.S. Patent No. 6,292,185 (Ko et al).

Scheinkman fails to disclose using an ActiveX control for enabling customization of an interface object. Ko, however, teaches in column 7, lines 23-29 and 43-46 using ActiveX controls to customize the interfaces of Web browsers and pages. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an ActiveX control to enable customization of an interface object in a Web browser. It would have been advantageous to do this because ActiveX controls provide a familiar and simple implementation of customized information.

Claim 83 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,848,424 (Scheinkman et al) as applied to claim 79 above, and further in view of U.S. Patent No. 6,009,459 (Belfiore et al).

Scheinkman does not disclose a search window as part of a toolbar. Belfiore, however, discloses in FIG 11A a search window [84] that enables the user to initiate a search at the predetermined Internet site regardless of the Internet site to which the computer is connected via the browser at the time the search is initiated. In this instance, the search window doubles as the

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Address window. The predetermined Internet site for searching is shown in FIG 11B.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Belfiore's search window with the toolbar disclosed by Scheinkman. It would have been advantageous to do this because it would allow an Internet browser user to customize a user toolbar even further by providing search capabilities. Furthermore, the additional functionality makes the toolbar more attractive to a variety of users.

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Conclusion

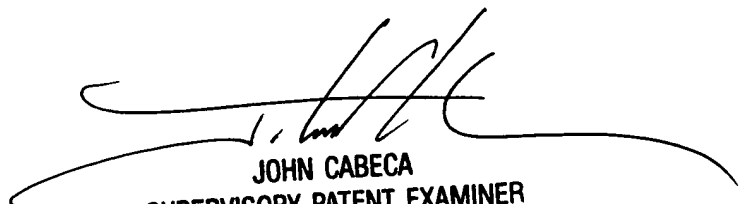
The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach customizing toolbars and Internet browsers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J Detwiler whose telephone number is 703-305-3986. The examiner can normally be reached on Mon-Thu 8-5:30 and alternating Fridays 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on 703-308-3116. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

bjd
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May 15, 2002


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